

BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS
FRANK D. REEVES MUNICIPAL BUILDING
2000-14th STREET, N.W., SUITE 420
WASHINGTON, D.C. 20009
(202) 671-0550

IN THE MATTER OF)	DATE: January 7, 2004
)	
Steven J. Charvat)	DOCKET NO.: 03F-053
Emergency Planning Officer (Former))	
DC Emergency Management Agency)	
12053 – 20 th Avenue, NE)	
Seattle, Washington 98195-1275)	

ORDER

Statement of the Case

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of General Counsel following a determination by its Public Information Records Management Division, that pursuant to the D.C. Code §1-1106.02 (2001 Edition), Steven J. Charvat, Emergency Planning Officer, DC Emergency Management Agency, failed to timely file, a Financial Disclosure Statement for calendar year 2002, on or before May 15, 2003 as required by D.C. Official Code §1-1106.02 and also failed to file on or before the OCF sanctioned extended filing deadline of June 19, 2003.

By Notices of Hearing, Statements of Violations and Orders of Appearance dated August 7, 2003, August 19, 2003 and September 2, 2003, OCF ordered Steven J. Charvat (hereinafter respondent), to appear at scheduled hearings on August 18, 2003, August 28, 2003 and September 12, 2003 and show cause why he should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §§1-1101.01 et seq., and fined accordingly.

Summary of Evidence

OCF alleges that the respondent failed to timely file the statutorily required Financial Disclosure Statement for calendar year 2002, on or before June 19, 2003.

On September 3, 2003, OCF received a letter from respondent stating that his employment with the District Government terminated on April 18, 2003. Respondent advised that he currently resides in Seattle, Washington, and that on August 29, 2003, he received, at his Seattle address, a Notice of Hearing, Statement of Violations and Order of Appearance for an August 28, 2003 hearing. Respondent further stated that his agency did not inform him of the requirement to file a final Financial Disclosure Statement with

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OCF at the time of his separation. Respondent requested instructions to remedy this oversight. On October 3, 2003, OCF forwarded an FDS form to respondent, along with online filing instructions, including password and user identification information. On October 22, 2003, OCF received the required Financial Disclosure Statement, which was fully executed on October 14, 2003. Respondent was a member of the Management Supervisory Service.

Findings of Fact

Having reviewed the allegations and the record herein, I find:

1. Respondent was a Management Supervisory Service employee.
2. Respondent's employment with the District Government terminated on April 18, 2003.
3. Respondent was required to file a Financial Disclosure Statement with OCF for calendar year 2002, on or before June 19, 2003.
4. Respondent filed the required Financial Disclosure Statement with OCF on October 3, 2003.
5. Respondent is a first-time required FDS filer.
6. Respondent asserted his agency did not inform him of the requirement to file a final FDS with OCF.
7. OCF provided notice to file if the filer ceases to serve prior to May 15th of any year, and within 30 days of any change in information on its Financial Disclosure Statement form.
8. Respondent provided a credible explanation for the filing delinquency in that he is a first-time required filer and a novice to the FDS filing requirements.
9. Respondent is currently in compliance with the statute.

Conclusions of Law

Based upon the record provided by OCF, I therefore conclude:

1. Respondent violated D.C. Official Code §1-1106.02.

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2. The penalty established at D.C. Official Code §1-1103.05(b)(3), and 3DCMR §§3711.2(aa), 3711.2 and 3711.4 for failure to timely file a Financial Disclosure Statement required by D.C. Official Code §1-1106.02 is a fine of \$50.00 per day for each business day subsequent to the due date.
3. In accordance with D.C. Official Code §1-1103.05(b)(3), the respondent may be fined a maximum of \$2,000.00 for failing to timely file a Financial Disclosure Statement.
4. For good cause shown pursuant to 3DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent's explanation for failing to timely file constitutes good cause for suspension of the fine.

Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director suspend the imposition of the fine in this matter.

Date

Jean Scott Diggs
Hearing Officer

Concurrence

In view of the foregoing, I hereby concur with the Recommendation.

Date

Kathy S. Williams
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that the fine in this matter be hereby suspended.

Date

Cecily E. Collier-Montgomery
Director

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order.

Rose Rice
Legal Assistant

NOTICE

Pursuant to 3DCMR §3711.5 (1999), any fine imposed by the Director shall become effective on the 16th day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000-14th Street, N.W., Washington, D.C. 20009.